

**CITY OF PALM BEACH GARDENS
JOINT COUNCIL MEETING MINUTES
PALM BEACH GARDENS AND LAKE PARK
October 7, 2004**

The October 7, 2004 Joint Meeting of the City Council of the City of Palm Beach Gardens, Florida, and the Town of Lake Park, Florida was called to order at 7:06 P.M. in the Council Chambers of the Municipal Complex, located at 10500 North Military Trail, Palm Beach Gardens, Florida, and opened with the pledge of allegiance.

ROLL CALL: The City Clerk called the roll and the following elected officials were found to be in attendance: Mayor Jablin, Vice Mayor Russo, Councilmember Delgado, and Councilmember Levy of the City of Palm Beach Gardens; Mayor Castro, Commissioner Carey, and Commissioner Daly from the Town of Lake Park.

COMMENTS FROM THE PUBLIC: There were no comments from the public.

PUBLIC HEARING

PART I – QUASI-JUDICIAL: Mayor Jablin announced this was a public hearing.

Ordinance 16, 2004 – Target Rezoning and Site Plan Review. An Ordinance of the Town Commission of The Town of Lake Park, Florida, rezoning a 10.83 acre portion of 19.12-acre parcel of land located on the Southeast corner of Northlake Boulevard and Congress Avenue within the municipal boundaries of the Town of Lake Park and the City of Palm Beach Gardens, as described more particularly herein, from a Zoning Designation of Traditional Neighborhood Development (TND) to Planned Unit Development (PUD); providing for codification; providing for severability; providing for the repeal of laws in conflict; and providing for an effective date. The Clerk swore in all those intending to offer testimony at the public hearing. Mayor Castro called for ex-parte communications. There were no ex-parte communications. Mayor Castro declared the public hearing open. Commissioner Daly made a motion to approve Ordinance 16, 2004. Commissioner Carey seconded the motion, which carried by unanimous 3-0 vote. Ordinance 16, 2004 was read by Mr. Baird by caption only.

Resolution 49-08-04a. Resolution of the Town Commission of the Town of Lake Park, Florida, approving the site plan for Northlake Square East for development approval of a 131,839 square foot retail center on a 10.83 acre portion of a 19.12 acre site generally located at the Southeast corner of the intersection of Northlake Boulevard and Congress Avenue within the municipal boundaries of the City of Palm Beach Gardens and the Town of Lake Park, as more particularly described herein; providing for waivers; providing conditions of approval; and providing an effective date. Commissioner Daly made a motion to approve Resolution 49-08-04a. Commissioner Carey seconded the motion, which carried by unanimous 3-0 vote.

Mayor Jablin reviewed the procedure for quasi-judicial cases. The City Clerk swore in all those intending to offer testimony for Ordinance 30, 2004, Resolution 135, 2004, and Resolution 136, 2004. The City Clerk read by caption Ordinance 30, 2004, Resolution 135, 2004, and Resolution 136, 2004.

Resolution 136, 2004 – Agreement for Payment of Fees in Lieu of Impact Fee. A Resolution of the City Council of the City of Palm Beach Gardens, Florida approving an agreement between Target Corporation, a Minnesota Corporation, and the City of Palm Beach Gardens relating to a payment in lieu of impact fees for a parcel of land located at the Southeast corner of Northlake Boulevard and Congress Avenue, as more particularly described herein; and providing an effective date. Mayor Jablin declared the public hearing open, and called for ex-parte communication for the ordinance and two resolutions. Vice Mayor Russo disclosed he had a phone call from the petitioner, Mr. Carasello, and

advised him he did not want to discuss the item and there would be a meeting tonight and it would be discussed, and also he had a conversation with staff. Councilmember Delgado advised she was also contacted by the petitioner and had a discussion with staff. Councilmember Levy advised he was contacted by the petitioner, Pete Carasello, discussed impact fees and color of bollards. Mayor Jablin had conversations with Mr. Carasello and Mr. Maxwell regarding the impact fees. Senior Planner Kara Irwin presented the staff report. Dodi Glas spoke on behalf of Target. A representative for Target indicated the traffic study showed there would be 14% of project trips from Target. Mayor Jablin disclosed he had spoken with representatives of Target as well as Mr. Carasello and agreed he would support relief for Target in impact fees if they came in before December 1, 2004, and pulled their permit by February 15, they would be subject to the old impact fees currently in effect. Council discussion ensued. Consensus was to grant permission for Target to pay 100% of the impact fees at today's existing impact fee rate regardless of whether they got their application in by a particular date. Staff was agreeable. The City Attorney advised this could be accomplished by deleting the sentence in paragraph two of the actual agreement that began "The developer acknowledges the city is currently in the process of amending the impact fee schedule...", and adding a sentence to the effect that the impact fee calculations shall be based on the fees in effect on the date this agreement is approved. A representative of Target spoke regarding the amount they paid the county in impact fees according to the interlocal agreement and expressed his opinion they had negotiated with staff paying impact fees on the 43% of the project which was the portion located in the city of Palm Beach Gardens and that paying 100% would be roughly \$150,000 more than they had allocated for this project; if fees got too high they might have to pull the project. Dodi Glas indicated the client should move forward. Vice Mayor Russo commented if the Target project was pulled and another project proposed, this reduction in impact fees to be paid at the current rate was only for the Target project and any other projects would pay 100% of the impact fees at the new rate. The City Attorney advised that could be done by having the ordinance and resolution become effective upon execution of the agreement, and when the other resolution was considered a condition would have to be added that there had to be an acceptable payment in lieu; if Target was no longer the builder then there would have to be a new agreement. Councilmember Levy made a motion to amend Resolution 136, 2004 with the language read into the record by Attorney Christine Tatum. Vice Mayor Russo seconded the motion, which carried by unanimous 4-0 vote. Mayor Jablin noted he had not closed the public hearing. Vice Mayor Russo made a motion to reconsider, seconded by Councilmember Levy, and unanimously carried. Mayor Jablin asked if any member of the public wished to speak on Resolution 136, 2004. Hearing no comments from the public, Mayor Jablin declared the public hearing closed. Councilmember Levy made a motion to approve Resolution 136, 2004 as amended and read into the record by Attorney Christine Tatum. Vice Mayor Russo seconded the motion, which carried by unanimous 4-0 vote.

Ordinance 30, 2004 (2nd Reading and Adoption) – Target Rezoning and Site Plan review. An Ordinance of the City Council of the City of Palm Beach Gardens, Florida rezoning the 8.29-acre portion of a 19.12-acre parcel of land, located on the Southeast corner of Northlake Boulevard and Congress Avenue, which lies within the municipal boundaries of the City of Palm Beach Gardens, as described more particularly herein, from a zoning designation of Research and Light Industrial Park (M1) to Planned Unit Development (PUD) overlay with an underlying zoning district of General Commercial (CG-1); and providing an effective date. Mayor Jablin declared the public hearing open. Mayor Jablin verified that ex-parte communication had been given for all of the items. Senior Planner Kara Irwin reviewed signage changes since the previous meeting. Dodi Glas, Urban Design Studio, spoke on behalf of the applicant and requested the color of the bollards be changed to red, at least at the entry way. Discussion ensued from both Councils. Consensus was to grant the request. Jamie

Gentile, Town of Lake Park, clarified their condition 6 prohibited the red color and the Town could reconsider their approval. Mayor Jablin announced Palm Beach Gardens could continue consideration of their Ordinance 30, 2004. Hearing no comments from the public, Mayor Jablin declared the public hearing closed. Councilmember Delgado moved to place Ordinance 30, 2004 on second reading and to adopt Ordinance 30, 2004. Vice Mayor Russo seconded the motion, which carried by unanimous 4-0 vote.


Resolution 135, 2004 – Target Rezoning and Site Plan review. A Resolution of the City Council of the City of Palm Beach Gardens, Florida approving the master development plan for Congress Plaza East at the 19.12-acre parcel of land located on the Southeast corner of Northlake Boulevard and Congress Avenue which lies within the municipal boundaries of the City of Palm Beach Gardens and the Town of Lake Park, as described more particularly herein, to allow for a 131,839 square-foot retail building; providing for waivers; providing for conditions of approval; and providing an effective date. It was agreed there would be no change regarding the color of the bollards so that the City's resolution would match Lake Park's resolution. Dodi Glas requested changes to conditions. Councilmember Levy made a motion to continue Resolution 135, 2004. Councilmember Delgado seconded the motion, which carried by unanimous 4-0 vote.

ADJOURNMENT:

There being no further business to discuss, the meeting was adjourned at 8:20 p.m.

CITY OF PALM BEACH GARDENS


ATTEST:



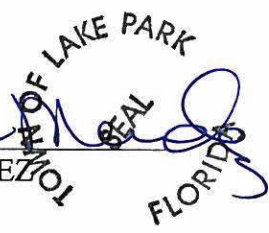
PATRICIA SNIDER, CMC
CITY CLERK

TOWN OF LAKE PARK

ATTEST:



VIVIAN MENDEZ
TOWN CLERK



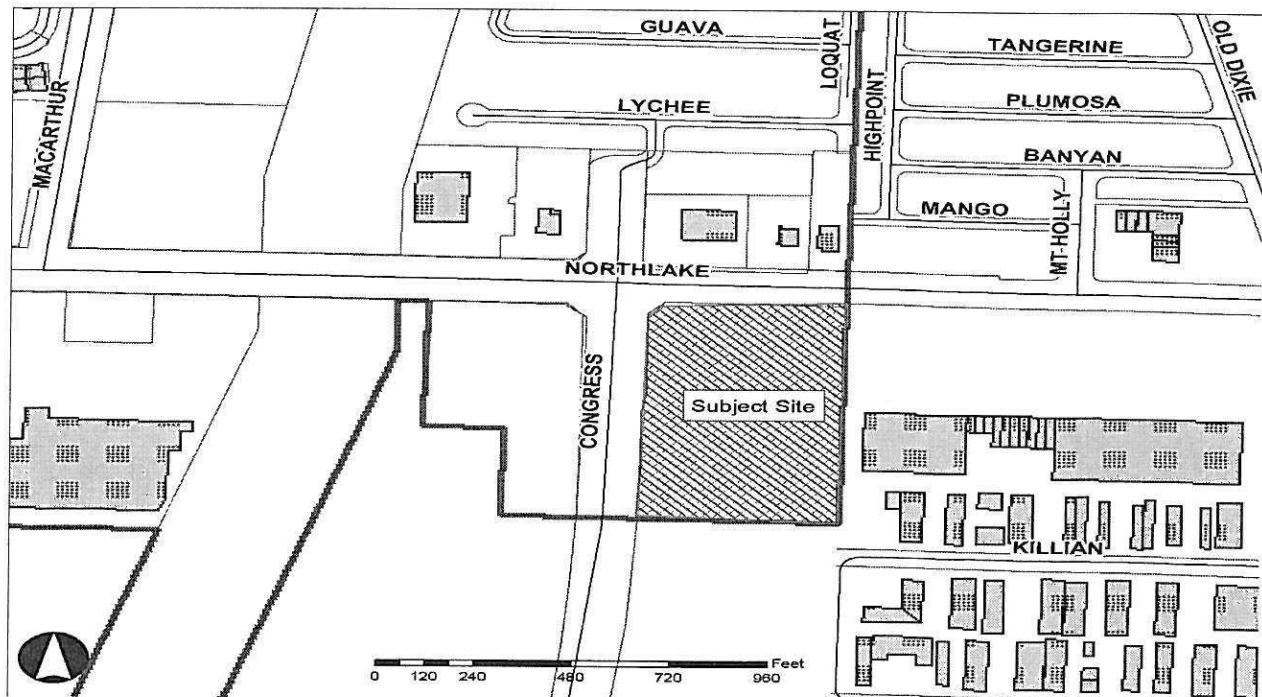
**CITY OF PALM BEACH GARDENS
CITY COUNCIL
AND
TOWN OF LAKE PARK
TOWN COUNCIL**

NOTICE OF JOINT PUBLIC HEARING

PLEASE TAKE NOTICE and be advised that the City Council of the City of Palm Beach Gardens, Florida and the Town Council of the Town of Lake Park, Florida will conduct a joint Public Hearing on Thursday, October 07, 2004, at 7:00 p.m., or as soon as thereafter as can be heard, at the Municipal Complex Building located at 10500 North Military Trail, Palm Beach Gardens, Florida regarding:

ORDINANCE 30, 2004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA REZONING THE 8.29-ACRE PORTION OF A 19.12-ACRE PARCEL OF LAND, LOCATED ON THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD AND CONGRESS AVENUE, WHICH LIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALM BEACH GARDENS, AS DESCRIBED MORE PARTICULARLY HEREIN, FROM A ZONING DESIGNATION OF RESEARCH AND LIGHT INDUSTRIAL PARK (M1) TO PLANNED UNIT DEVELOPMENT (PUD) OVERLAY WITH AN UNDERLYING ZONING DISTRICT OF GENERAL COMMERCIAL (CG-1); AND PROVIDING AN EFFECTIVE DATE.



RESOLUTION 135, 2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE MASTER DEVELOPMENT PLAN FOR CONGRESS PLAZA EAST AT THE 19.12-ACRE PARCEL OF LAND LOCATED ON THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD AND CONGRESS AVENUE WHICH LIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALM BEACH GARDENS AND THE TOWN OF LAKE PARK, AS DESCRIBED MORE PARTICULARLY HEREIN, TO ALLOW FOR A 131,839 SQUARE-FOOT RETAIL BUILDING; PROVIDING FOR WAIVERS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 136, 2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN AGREEMENT BETWEEN TARGET CORPORATION, A MINNESOTA CORPORATION, AND THE CITY OF PALM BEACH GARDENS RELATING TO A PAYMENT IN LIEU OF IMPACT FEES FOR A PARCEL OF LAND LOCATED AT THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD AND CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

All members of the public are invited to attend and participate in said public hearing. All documents pertaining to the said Ordinance and Resolutions may be inspected by the public in the Growth Management Department located at the Municipal Complex Building during regular business hours, Monday through Friday, 8:00 a.m. – 5:00 p.m., except for holidays.

PLEASE TAKE NOTICE AND BE ADVISED that if any interested party wishes to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such interested persons will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-799-4122 no later than 5 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

Patricia Snider, City Clerk

Publication Date: Wednesday, September 22, 2004

Notes: Please make the ad at least two columns wide, ten inches long, and the headline no smaller than 18 points. Please note that the advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

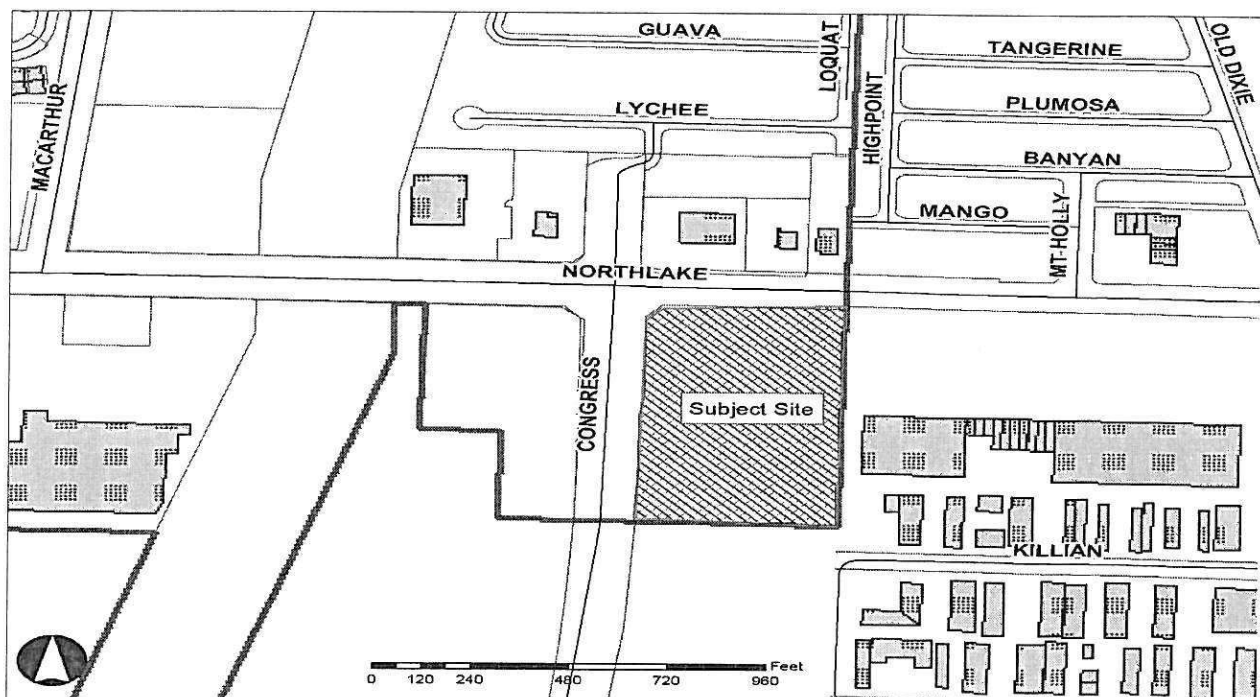
**TOWN OF LAKE PARK
TOWN COMMISSION
AND
CITY OF PALM BEACH GARDENS
CITY COUNCIL**

NOTICE OF JOINT PUBLIC HEARING

PLEASE TAKE NOTICE and be advised that the Town Commission of the Town of Lake Park, Florida and the City Council of the City of Palm Beach Gardens, Florida will conduct a joint Public Hearing on Tuesday, September 7, 2004, at 7:00 p.m., or as soon as thereafter as can be heard, at the Municipal Complex Building located at 10500 North Military Trail, Palm Beach Gardens, Florida regarding:

RESOLUTION NO. 49-08-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE SITE PLAN FOR NORTHLAKE SQUARE EAST FOR DEVELOPMENT APPROVAL OF A 131,839 SQUARE FOOT RETAIL CENTER ON A 10.83 ACRE PORTION OF A 19.12 ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTHLAKE BOULEVARD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALM BEACH GARDENS AND THE TOWN OF LAKE PARK, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR WAIVERS; PROVIDING CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.



PLEASE TAKE NOTICE AND BE ADVISED that if any interested party wishes to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such interested persons will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the Office of the Town Clerk at 561-881-3311 no later than 5 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

Stephanie Thomas, Interim Town Clerk

Publication Date: Sunday, August 29, 2004

Notes: Please make the ad at least two columns wide, ten inches long, and the headline no smaller than 18 points. Please note that the advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

NOW, THEREFORE, in consideration of the obligations and undertakings described below, the City and Town do hereby enter into this Interlocal Agreement and represent, covenant, and agree as follows:

1. RECITALS.

The foregoing recitals are true and correct and express the City's and Town's mutual interest in development of the Site.

2. IMPLEMENTATION OF AGREEMENT.

(a) City and Town shall each appoint an "Administrator" for the purposes of this Interlocal Agreement to coordinate the administration of the review of applications for applications for development of the Site between the municipalities.

(b) It is contemplated that the proposed development of the Site will require a rezoning by both the Town and City. Each municipality shall be responsible for reviewing all applications for consistency with their respective land development regulations, comprehensive plans, but each jurisdiction shall take separate action at jointly held meetings for the approval of such applications.

(c) In order to maintain an orderly development review process, the Town shall be responsible for leading the processing of all development applications with regard to the Site. The Town and City shall review all applications jointly, and the scheduling of all applications shall be mutually agreed upon. The Planning and Zoning staff of each municipality shall each issue a staff report and recommendation. The recommendations of each staff shall be considered, and acted upon, by both municipalities' Planning and Zoning bodies and the City Council and Town Commission at joint public meetings to be noticed and scheduled jointly through the Administrators.

(d) This Agreement shall apply to any expansion or contraction area of the Site for this specific project, which is contiguous to the original site and thereby changing the percentage of land area in the respective jurisdictions and corresponding pro-rata calculations as defined herein.

(e) Prior to the Planning and Zoning Commission public hearing, the parcel owner shall submit an agreement acceptable to the City to provide for payment of fees to the City in lieu of road, police and fire impact fees.

(f) Property taxes for the buildings and other improvements on the Site shall be prorated to each municipality based on percentage of the Site located within the municipality. Property taxes for land shall be paid in accordance with the normal procedure of the Palm Beach County Tax Collector.

(g) Service provision shall be as described below:

(1) The Town and City shall both collect the required application fees and related costs for planning, legal, engineering, and other professional services. The municipality in which the structure is located shall collect the required building permit fees and occupational license fees, and that municipality shall perform all necessary building inspections. If a structure is located within both municipalities, the Town shall collect the required building permit fees and perform all necessary building inspections. Site development permits for the entire site shall be reviewed and approved by both municipalities and issued by the Town. All applications for building and landscaping permits and certificates of occupancy shall be submitted simultaneously to the City and Town for review. Neither the Town nor the City shall issue any permits or certificates of occupancy until the other municipality has approved the applications and notified the issuing municipality of its approval in writing.

(h) A single plat for the Site shall be approved by both municipalities. The owner shall be required to provide a Unity of Control acceptable to the City and Town for the affected property should it ever be subdivided into separate tracts under different ownership.

(i) All future development applications, including amendments to the development order for the Site, shall require joint review and approval by the municipalities, consistent with the above-described process.

3. FIRE PROTECTION.

Fire protection for the entire site will be provided on a first response basis.

4. POLICE PROTECTION AND CODE ENFORCEMENT.

The municipal boundaries for each municipality shall be designated on the approved Site Plan. Jurisdiction for the enforcement of police protection and applicable code requirements shall be based upon the physical/geographical location of any alleged violation and the municipality in which the alleged violation is located shall have police protection and code enforcement responsibility. In the event that an alleged violation exists in both municipalities and/or a violation of one or more conditions of approval of the approved Site Plan or plat exists, both municipalities shall have concurrent jurisdiction for purposes of police protection and code enforcement.

5. NORTHLAKE BOULEVARD OVERLAY DISTRICT.

The Town acknowledges that the City has adopted the procedures and requirements of the NBOZ.

6. MODIFICATION OR TERMINATION OF AGREEMENT.

This Agreement may be modified or terminated only upon majority vote of the governing body in each municipality.

7. DURATION.

This Agreement shall be terminated if the site is not developed as a unified parcel requiring joint approvals by both the Town and City.

8. RECORDATION IN PUBLIC RECORDS.

This Agreement shall be recorded in the Public Records of Palm Beach County.

9. LEGISLATIVE POWER.

This Agreement is not intended nor shall it be constructed as a delegation of legislative power to the other municipality or the Administrator.

10. GOVERNING LAW.

This Agreement shall be governed by, and constructed and enforced in accordance with the laws of the State of Florida.

11. COUNTERPARTS.

This Interlocal Agreement may be executed in one or more counterparts, each of which together shall constitute one and the same instrument.

12. EFFECTIVE DATE.

This Agreement shall be effective upon full execution by the City and Town.


(The remainder of this page left intentionally blank)

IN WITNESS WHEREOF, the parties hereto have set their respective hands and seals on the day and year first above written.

EXECUTED BY THE CITY this 5th day of February, 2004.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: _____


Eric Jablin, Mayor


ATTEST:

BY: _____


Patricia Snider, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

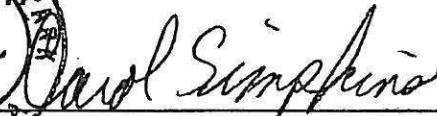
BY: _____


Christine P. Tatum, City Attorney

EXECUTED BY THE TOWN this 18 day of Feb, 2004.



BY: _____


Carol Simpkins, Town Clerk

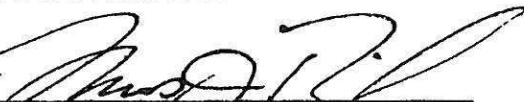
TOWN OF LAKE PARK, FLORIDA

BY: _____


Paul Castro, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: _____


Thomas J. Baird, Town Attorney